

#4  
CB

FORM PTO-1390 (REV 10-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 33339/235735	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/868,399	
INTERNATIONAL APPLICATION NO. PCT/FR99/03311		INTERNATIONAL FILING DATE December 29, 1999		PRIORITY DATE CLAIMED December 31, 1998	
TITLE OF INVENTION DETECTING AND MONITORING OF HIV INFECTIONS					
APPLICANT(S) FOR DO/EO/US Denis Tranchand-Bunel; Claude Auriault; Helene Gras-Masse					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).</p> <p>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>					
Items 11. To 16. Below concern other document(s) or information included:					
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input checked="" type="checkbox"/> Other items or information: Response To Notification Of Missing Requirements Under 35 U.S.C. 371</p>					

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50) 09/868,399	INTERNATIONAL APPLICATION NO. .PCT/FR99/03311	ATTORNEY'S DOCKET NUMBER 33339/235735
---	--	--

17. <input type="checkbox"/> The following fees are submitted:  <div style="display: flex; justify-content: space-between;"> <div> <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b>            Neither international preliminary examination fee (37 CFR 1.482) nor International Search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO             International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO             International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search (37 CFR 1.445(a)(2)) paid to USPTO             International preliminary examination fee (37 CFR 1.482) paid to USPTO But all claims did not satisfy provisions of PCT Article 33(1)-(4)             International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)         </div> <div style="text-align: right;"> <b>\$1,040.00</b>   <b>\$ 890.00</b>   <b>\$ 740.00</b>   <b>\$ 710.00</b>   <b>\$ 100.00</b> </div> </div>	<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>																									
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>																											
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).																											
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> <th style="width:20%;"></th> </tr> <tr> <td>Total Claims</td> <td>0 - 20 =</td> <td>0</td> <td>X \$18.00</td> <td>\$ 0.00</td> </tr> <tr> <td>Independent Claims</td> <td>0 - 3 =</td> <td>0</td> <td>X \$84.00</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$280.00</td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$</td> </tr> </table>			CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total Claims	0 - 20 =	0	X \$18.00	\$ 0.00	Independent Claims	0 - 3 =	0	X \$84.00	\$ 0.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$	<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																								
Total Claims	0 - 20 =	0	X \$18.00	\$ 0.00																							
Independent Claims	0 - 3 =	0	X \$84.00	\$ 0.00																							
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$																							
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$																							
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by one-half.																											
<b>SUBTOTAL =</b>																											
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).																											
<b>TOTAL NATIONAL FEE =</b>																											
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +																											
<b>TOTAL FEES ENCLOSED =</b>																											
		Amount to be Refunded \$ Charged \$																									

a. <input type="checkbox"/> A check in the amount of \$      to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 16-0605 in the amount of \$      to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-0605.	Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.  <div style="display: flex;"> <div style="flex: 1;">           SEND ALL CORRESPONDENCE TO:            Raymond O. Linker              SIGNATURE            REGISTRATION NUMBER 26,419            ALSTON &amp; BIRD LLP            Bank of America Plaza            101 South Tryon Street, Suite 4000            Charlotte, NC 28280-4000            Tel Charlotte Office (704) 444-1000            Fax Charlotte Office (704) 444-1111  <b>Customer Number 00826</b> </div> <div style="flex: 1; padding-left: 20px;"> <b>"Express Mail" Mailing Label Number EL 822757522 US</b>            Date of Deposit: January 17, 2002             I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX PCT, Attn: DO/US (PTO) Commissioner for Patents, Washington, DC 20231.              Lorna Morehead            CLT01/4515629v1         </div> </div>
---	--

DEC 31 2001

R02



UNITED STATES PATENT AND TRADEMARK OFFICE

Received By

 Commissioner for Patents, Box FCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/868,399	Denis Tranchand-Bunel	33339/235735

INTERNATIONAL APPLICATION NO.	
PCT/FR99/03311	
I.A. FILING DATE	PRIORITY DATE
12/29/1999	12/31/1998

000826  
 ALSTON & BIRD LLP  
 BANK OF AMERICA PLAZA  
 101 SOUTH TRYON STREET, SUITE 4000  
 CHARLOTTE, NC 28280-4000

CONFIRMATION NO. 8981

371 FORMALITIES LETTER



\*OC000000007217248\*

Date Mailed: 12/21/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

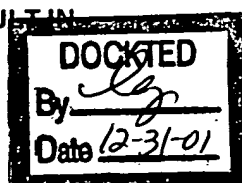
The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- English Translation of the IA
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN**

 20  
 12/31/01


**ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/868,399	PCT/FR99/03311	33339/235735

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Denis Tranchand-Bunel, et al.  
Appl No.: 09/868,399  
Filed: Not yet assigned  
For: Detecting And Monitoring HIV Infections

Confirmation No.: 8981

BOX PCT  
Attn: DO/US (PTO)  
Commissioner for Patents  
Washington, DC 20231

January 17, 2002

**RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

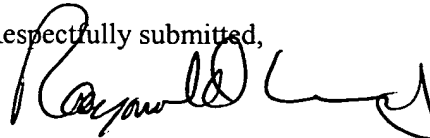
Sir:

This is in response to the Notification Of Missing Requirements mailed December 21, 2001 in the above application. A copy of this Notification is enclosed.

The Notification states that the oath or the declaration of the inventors is not acceptable because it is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. Applicant respectfully requests reconsideration. A copy of the Declaration as submitted is enclosed. On Page 2 of 4, the Declaration contains the statements required under 37 CFR 1.68. This Declaration has been executed by each of the three named inventors. The first two named inventors' signatures appear in the two signature blocks on Page 3 of 4. The third inventor, Hélène Gras-Masse, duly executed the Declaration in the signature block appearing on Page 4. Her signature also appears at the bottom of Page 3 of 4. It appears that Ms. Gras-Masse signed on Page 3 before she realized that there was a signature block on Page 4. The fact that the third inventor signed the Declaration twice should not render the present Declaration defective.

Accordingly, applicant requests favorable reconsideration and notification of the acceptance of the Declaration as it was filed on July 12, 2001.

Respectfully submitted,



Raymond O. Linker, Jr.  
Registration No. 26,419

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

In re: Denis Tranchand-Burns, et al.

Appl No. 09/868,399

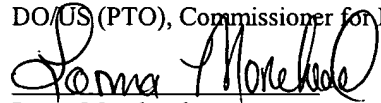
Page Two

CERTIFICATE OF MAILING

"Express Mail" Mailing Label Number: EL 822757522 US

Date of Deposit: January 17, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX PCT, Attn: DO/US (PTO), Commissioner for Patents, Washington, DC 20231.



Lorna Morehead

CLT01/4515564v1